

## **Illinois Program Work Plan for 2013**

### **Agreement Between**

#### **Illinois Environmental Protection Agency and Region 5, U.S. Environmental Protection Agency**

Pursuant to federal assistance statutes, the Illinois Environmental Protection Agency (Illinois EPA) and Region 5, U.S. Environmental Protection Agency (EPA Region 5) work together to implement authorized, delegated, and/or approved environmental programs within the State of Illinois in a timely, appropriate, and effective manner. Together we establish priorities, negotiate program commitments and work sharing, and evaluate program performance.

Illinois EPA and EPA Region 5 are replacing the previous Work Plan Agreement as a means to continue to strengthen Illinois' implementation of several federally authorized, delegated, and/or approved environmental programs. The Work Plan for 2013 includes activities and commitments for both Agencies relating to the Clean Water Act National Pollutant Discharge Elimination System (NPDES) and Clean Air Act Title V permitting program. This Work Plan Agreement extends the previous 2011/2012 federal fiscal year work plan agreement to December 31, 2013. In the event of a conflict between this Work Plan Agreement and the November 1, 2010, Memorandum of Agreement (MOA) between the EPA Region 5 and the Illinois EPA, this document supersedes the MOA.

Illinois EPA and EPA Region 5 will monitor progress under the Work Plan Agreement via existing program-to-program communications, as well as during the annual joint senior management planning meeting. The Work Plan may be adjusted by mutual agreement. As part of our joint planning for Federal Fiscal Year 2014/2015, Illinois EPA and EPA Region 5 will formally assess the need to negotiate a revised Work Plan for the Clean Water Act NPDES and Clean Air Act Title V permitting programs.

The execution of this Agreement demonstrates our continuing commitment to environmental improvement through a strong partnership and shared responsibility for meeting our regulatory obligations.

Entered into on 2-4-13.

For Illinois EPA:



John J. Kim, Interim Director  
Illinois Environmental Protection Agency

For EPA Region 5:



Susan Hedman  
Regional Administrator

**Illinois Program Work Plan  
For 2013  
Water Programs**

In March 2008, the Illinois Citizens for Clean Air & Water (Illinois Citizens) submitted a petition to the U.S. Environmental Protection Agency (U.S. EPA) requesting the withdrawal of Illinois' authorized Clean Water Act National Pollutant Discharge Elimination System (NPDES) program. Illinois Citizens contend that the Illinois Environmental Protection Agency (Illinois EPA) was not properly administering the NPDES program for concentrated animal feeding operations (CAFOs). In February 2009, Illinois Citizens, joined by the Environmental Integrity Project, provided additional information in a supplementary petition to U.S. EPA.

U.S. EPA conducted an informal investigation of the petitioners' allegations and issued a report in September 2010.<sup>1</sup> The report discusses U.S. EPA's initial findings for the various program areas, and the actions that Illinois EPA must take to comply with Clean Water Act requirements for authorized state NPDES programs. In particular, Illinois EPA must accomplish the following:

**NPDES Permitting for CAFOs**

- Issue NPDES permits to CAFOs that are required to be permitted under NPDES regulations.
- Develop and maintain a comprehensive inventory of CAFOs and evaluate their regulatory status.
- Establish technical standards for nutrient management by Large CAFOs and revise title 35 of the Illinois Administrative Code, Subtitle E, as necessary to be consistent with the federal CAFO rules.
- Ensure that sufficient resources are maintained to issue or deny permits.

**NPDES Compliance Monitoring and Enforcement for CAFOs**

- Revise the inspection process for livestock and poultry facilities to enable Illinois EPA to determine and track whether inspected facilities are CAFOs that are required to have NPDES permits and whether they are in compliance with NPDES requirements.
- Develop standard operating procedures and properly investigate, track, and respond to citizen complaints reporting potential violations of NPDES requirements.
- Take timely and appropriate enforcement action to address noncompliance by CAFOs.
- Require that Illinois EPA enforcement actions address CAFOs failing to apply for an NPDES permit, where a facility has discharged, is discharging, or is designed, constructed, operated, or maintained such that it will discharge.
- Ensure that sufficient resources are maintained for inspections and enforcement of NPDES requirements for CAFOs.

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<sup>1</sup>See the "Initial Results of an Informal Investigation of the National Pollutant Discharge Elimination System Program for Concentrated Animal Feeding Operations in the State of Illinois" (Initial Results), available at: <http://epa.gov/region5/illinoiscafo>.